

Notice of Allowability

Application No.

09/907,009

Examiner

Tadesse Hailu

Applicant(s)

ABBOTT ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on December 5, 2005.
2. ☒ The allowed claim(s) is/are 134-297.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

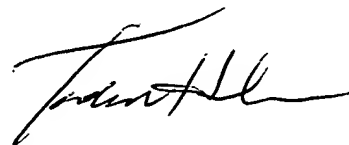
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____



Examiner's Statement of Reasons for Allowance

1. This Office Action is in response to the Amendment entered on December 5, 2005 for the patent application number 09/907,009.
2. The pending claims 134-297 are allowed.
3. The following is an examiner's statement of reasons for allowance: The following is an examiner's statement of reasons for allowance

Burkey et al (US Pat No. 6,446,076) discloses a system, method and article of manufacture for facilitating a user in, or creating for a user, a web-based active knowledge management system to facilitate an intelligent agent coordinator. The architecture facilitates delivery of information whenever and wherever a user requires the information in an appropriate format based on characteristics of the user at that instant. Personalization of information is also afforded by taking into account the history of user interactions with various applications and current real time situations, such a time and place, in order to create a plurality of unique user profile. Each unique profile can then be associated with a unique address, as well as being given restriction exclusive to that profile. Associations, such as business rules or databases, can also be related to each such profile. A fast and scalable information prioritization subsystem is also utilized to incorporate intelligent agents coordinator opinion, user preferences, and history of user interactions. In addition, speech recognition and speech synthesis are combined with intelligent agent animated representation and tactile input (Burkey, Abstract). Burkey also describes a computer-implemented method for distributing persona object (themes) to one or more computing devices (e.g. 1740, Fig. 17) for use

by those computing devices in providing responses that are appropriate to contextual situations (at work, Office, or lake Tahoe, see Fig. 12).

The present claimed invention is directed to a method for presenting information to a user of a wearable computing device (Claim 134),

The preamble of independent **claim 134** further includes elements which breaths life into the claims. The method recites, a plurality of steps including among other steps “determining at least two of the multiple defined themes that model context situations matching the current contextual situation in such a manner that for each of the determined themes, the included current values for each of the context attributes specified for that theme matches one of the specified possible values associated with that context attribute” Burkey fails to describe the limitation of claim 134.

The present claimed invention is also directed to a computer-implemented method, a computer-readable medium, a computing device and a computer system for distributing themes to one or more computing devices (claims 149-198),

The prior art of record also fails to describe the combination of claim elements including at least “... for each of the indicated body-mounted computing devices, automatically identifying a group of multiple of the accessible themes as being appropriate for that body-mounted computing device based at least in part on relationship information that indicates that the multiple themes belong to the group; and automatically distributing each of the identified themes of the group to that body-mounted computing device for use by that computing device in providing information to the user of that computing device, so that the body-mounted computing device

provides information to the user based on one of the distributed identified themes of the group when the contextual situation represented by that identified theme is automatically determined to best match a contextual situation of the user, the providing of the information performed in such a manner as to be based on the type of response associated with that identified theme” as recited in independent **claim 149**.

The prior art of record also fails to describe the combination of claim elements including at least “...for each of at least one body-mounted computing device of a user, identifying multiple of the accessible themes as being appropriate for that computing device based at least in part on predefined relationships of one or more of the identified multiple themes to other themes”, and distributing each of the identified themes to that computing device for use by that computing device in providing to the user the type of response associated with that identified theme when the contextual situation represented by that identified theme occurs” as recited in independent **claim 192**.

The prior art of record also fails to describe the combination of claim elements including at least “a theme distribution component that when executed in the memory is capable of, for an indicated body-supported computing device of a user, automatically identifying at least one of the accessible themes as being appropriate for that computing device based on relationship information associated with that theme that indicates a relationship to other themes and automatically distributing the identified themes to that computing device for use in providing to the user the type of response associated with an identified theme when the contextual situation represented by that identified theme occurs” as recited in independent **claim 195**.

The prior art of record also fails to describe the combination of claim elements including at least “means for automatically identifying at least one of the accessible themes as being appropriate for a body-supported computing device of a user based on relationship information associated with that theme that indicates a relationship to other themes and for automatically distributing each of the identified themes to that computing device for use by that computing device in providing to the user the type of response associated with that identified theme when the contextual situation represented by that identified theme occurs” as recited in independent **claim 198**.

The present claimed invention is also directed to a computer-implemented method, a computer-readable medium, and a portable computing device for providing to a user of a portable computing device an appropriate response to a contextual situation (claims 199-214).

The prior art of record also fails to describe the combination of claim elements including at least “... selecting one of the categories of themes based on the current contextual situation being of a type to which the selected category of themes corresponds; identifying one of the multiple themes of the selected category whose associated type of response is appropriate to the current contextual situation; and providing the associated type of response for the identified theme to the user” as recited in claim 199. This, limitation is substantially similar to independent **claims 205 and 207 and 214**.

The prior art of record also fails to describe “a theme response component that when executed in the memory is capable of selecting one of the categories of themes

based on the current contextual situation being of a type to which the selected category of themes corresponds, of identifying one of the multiple themes of the selected category whose associated type of response is appropriate to the current contextual situation, and of providing the associated type of response for the identified theme to the user” as recited in independent **claim 206**.

As described above while Burkey discloses a method and system that facilitate delivery or presenting of information whenever and where ever a user requires the information, but Burkey neither renders obvious nor anticipates the combination of claimed elements as recited above in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

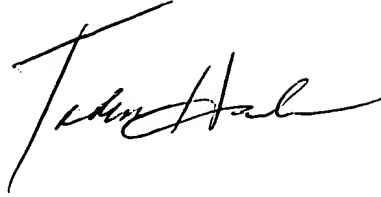
Art Unit: 2173

Examiner Tadesse Hailu

Art Unit 2173

– Operator Interface

2/10/06

A handwritten signature in black ink, appearing to read "Tadesse Hailu". The signature is written in a cursive style with a large, sweeping initial "T".